

## OFFICE OF INJURED EMPLOYEE COUNSEL

FY 2010 Measures		Sept	Oct	Nov	1ST QTR	Dec	Jan	Feb	2ND QTR	Mar	Apr	May	3RD QTR
Outcome Measures													
	<i>Outcome Measure 1.1 oc 1</i> Percentage of Disputes Resolved by the Office of Injured Employee Counsel Prior to Holding a Texas Department of Insurance Administrative Dispute Resolution Proceeding	42.74%	45.05%	43.35%	43.73%	56.61%	53.67%	61.64%	57.32%	57.23%	54.25%	57.54%	56.35%
	<i>Total Disputes Resolved Prior</i>	892	929	720	2,541	1,015	1,038	1,186	3,239	1,254	1,066	1,045	3,365
	<i>Total Disputes Resolved</i>	2,087	2,062	1,661	5,810	1,793	1,934	1,924	5,651	2,191	1,965	1,816	5,972
<b>Key</b>	<i>Outcome Measure 1.1 oc 2</i> Percentage of proceedings Held before the Division of Workers' Compensation in which the Injured Employee was assisted by an Ombudsman	40.93%	37.65%	39.97%	39.52%	37.54%	38.70%	39.54%	38.53%	37.02%	40.67%	38.34%	38.59%
	<i>Total Number with Assistance</i>	582	509	458	1,549	470	459	412	1,341	485	462	447	1,394
	<i>Total Number Proceedings Held</i>	1,422	1,352	1,146	3,920	1,252	1,186	1,042	3,480	1,310	1,136	1,166	3,612
<b>Key</b>	<i>Outcome Measure 1.1 oc 3</i> Percentage of Issues Raised at ContestedCase Hearings (CCH) where the Injured Employee Prevailed When Assisted by an Ombudsman	39.30%	38.57%	37.11%	38.41%	39.07%	38.40%	40.59%	39.32%	40.07%	36.64%	36.77%	37.82%
	<i>Number Issues Employee Prevailed</i>	123	135	95	353	118	96	97	311	113	96	114	323
	<i>Total Number of CCH Issues Raised</i>	313	350	256	919	302	250	239	791	282	262	310	854
<b>Key</b>	<i>Outcome Measure 1.1 oc 4</i> Percentage of Issues Raised on Appeal where the Injured Employee Prevailed When Assisted by an Ombudsman	36.76%	36.88%	28.32%	33.69%	36.61%	40.32%	38.00%	38.38%	39.52%	29.71%	40.17%	35.58%
	<i>Number Issues Employee Prevailed</i>	50	59	49	158	67	75	38	180	49	52	47	148
	<i>Total Number of Appeal Issues Raised</i>	136	160	173	469	183	186	100	469	124	175	117	416
<b>Key</b>	<i>Outcome Measure 2.1 oc 1</i> Percentage of Injured Employees Educated Regarding their Rights & Responsibilities.	95.34%	95.42%	94.70%	95.18%	94.37%	94.66%	95.01%	94.68%	94.37%	94.56%	94.69%	94.54%
	<i>Number R&amp;Rs Reached</i>	16,924	16,070	13,325	46,319	14,011	13,455	14,138	41,604	16,044	16,160	15,542	47,746
	<i>Total Number R&amp;Rs Mailed</i>	17,752	16,841	14,071	48,664	14,847	14,214	14,881	43,942	17,002	17,090	16,413	50,505
	<i>Outcome Measure 3.1 oc 1</i> Percentage of Workers' Compensation Formal or Informal Rules Analyzed by OIEC	#DIV/0!	#DIV/0!	100.00%	100.00%	100.00%	#DIV/0!	100.00%	100.00%	#DIV/0!	100.00%	#DIV/0!	100.00%
	<i>Number Rules Analyzed</i>	0	0	1	1	2	0	3	5	0	1	0	1
	<i>Number Rules Adopted</i>	0	0	1	1	2	0	3	5	0	1	0	1

Blue - Met Target; Green - Positive; Red - Negative													
FY 2010 Measures		Sept	Oct	Nov	1ST QTR	Dec	Jan	Feb	2ND QTR	Mar	Apr	May	3RD QTR
	Outcome Measure 3.1 oc 2 Percentage of Workers' Compensation Formal or Informal Rulemaking Processes in which OIEC Participated	#DIV/0!	#DIV/0!	100.00%	100.00%	50.00%	#DIV/0!	100.00%	80.00%	#DIV/0!	100.00%	#DIV/0!	100.00%
	Number Rules Participated	0	0	1	1	1	0	3	4	0	1	0	1
	Number Rules Adopted	0	0	1	1	2	0	3	5	0	1	0	1
Key	Outcome Measure 3.1 oc 3 Percentage of Workers' Compensation Rules Changed for the Benefit of the Injured Employee as a Result of OIEC Participation	#DIV/0!	#DIV/0!	0.00%	0.00%	100.00%	#DIV/0!	100.00%	100.00%	#DIV/0!	100.00%	#DIV/0!	100.00%
	Number Rules Changed	0	0	0	0	1	0	3	4	0	1	0	1
	Total Number Rules Participated	0	0	1	1	1	0	3	4	0	1	0	1
Output Measures													
	Output Measure 1.1.1 op 1    Number of Injured Employees Prepared for a Benefit Review Conference (BRC) by an Ombudsman	426	362	328	1,116	272	280	282	834	303	304	263	870
Key	Output Measure 1.1.1 op 2    Number of Benefit Review Conferences (BRC) with Ombudsman assistance	401	345	318	1,064	330	306	305	941	333	318	314	965
	Output Measure 1.1.1 op 3    Number of Injured Employees Prepared for a Contested Case Hearing (CCH) by an Ombudsman	223	137	155	515	155	139	129	423	137	128	123	388
Key	Output Measure 1.1.1 op 4    Number of Contested Case Hearings (CCH) with Ombudsman assistance	208	183	158	549	157	172	126	455	172	160	156	488
Key	Output Measure 1.1.1 op 5    Number of Injured Employees Prepared for an Appeal by an Ombudsman	50	62	38	150	40	40	52	132	39	56	57	152

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FY 2010 Measures		Sept	Oct	Nov	1ST QTR	Dec	Jan	Feb	2ND QTR	Mar	Apr	May	3RD QTR
	<i>Output Measure 1.1.1 op 6</i> Number of Assists a Regional Staff Attorney Provides to an Ombudsman	273	207	204	684	170	268	289	727	309	268	267	844
Key	<i>Output Measure 2.1.1 op 1</i> Number of Injured Employees Educated Regarding their Rights and Responsibilities	16,924	16,070	13,325	46,319	14,011	13,455	14,138	41,604	16,044	16,160	15,542	47,746
	<i>Output Measure 2.1.1 op 2</i> Number Injured Employees Assisted by Telephone (OGT,OIC)	23,058	24,489	19,512	67,059	21,446	22,894	24,843	69,183	28,029	23,650	21,771	73,450
	<i>Output Measure 2.1.1 op 3</i> Number of Injured Employees Assisted at Field Office Locations (OWI)	1,915	1,758	1,604	5,277	1,538	1,784	1,802	5,124	2,044	1,937	1,997	5,978
	<i>Output Measure 2.1.1 op 4</i> Number of presentations performed by OIEC	5	8	3	16	1	1	7	9	7	6	8	21
	<i>Output Measure 2.1.1 op 5</i> Number of Referrals to Department of Assistive and Rehabilitative Services (DARS), the Texas Workforce Commission (TWC), the Texas Department of Insurance (TDI), or Other Social or Regulatory Services	709	708	535	1,952	751	851	1,020	2,622	1,143	988	704	2,835
Key	<i>Output Measure 3.1.1 op 1</i> Number of Adopted Workers' Compensation Rules Analyzed by the Office of Injured Employee Counsel	0	0	1	1	2	0	3	5	0	1	0	1
Key	<i>Output Measure 3.1.1 op 2</i> Number of Adopted Workers' Compensation Rules in which the Office of Injured Employee Counsel Participated	0	0	1	1	1	0	3	4	0	1	0	1

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FY 2010 Measures		Sept	Oct	Nov	1ST QTR	Dec	Jan	Feb	2ND QTR	Mar	Apr	May	3RD QTR
	Output Measure 3.1.1 op 3 Number of Adopted Workers' Compensation Rules Changed for the Benefit of Injured Employees as a Result of the Office of Injured Employee Counsel Participation	0	0	0	0	1	0	3	4	0	1	0	1
Efficiency Measures													
Key	Efficiency Measure 2.1.1 ef 1 Average Time from Date of Injury to the Date an Injured Employee is Sent Their Rights and Responsibilities	23.43	23.38	24.30	23.67	23.29	20.30	19.45	20.96	19.06	16.94	16.10	17.38
	Total Number Days from DOI to Sent	159,018	166,333	140,715	466,066	137,467	132,242	120,717	390,426	131,239	115,460	107,809	354,508
	Number R&Rs Reached	6,787	7,113	5,791	19,691	5,902	6,515	6,206	18,623	6,884	6,816	6,698	20,398
	Efficiency Measure 1.1.1 ef 1 Average Time from the Date a BRC is Scheduled to the Date of First Injured Employee Contact with an Ombudsman	21.35	20.45	18.77	20.28	25.43	17.67	15.88	19.83	17.86	15.34	15.68	16.36
	Total Number Days from BRC Schedule Date to Omb Prep	4,761	4,989	3,492	13,242	5,136	3,093	3,034	11,263	3,822	2,822	3,089	9,733
	Number Preps	223	244	186	653	202	175	191	568	214	184	197	595
	Efficiency Measure 1.1.1 ef 2 Average Time from the Date a CCH is Scheduled to First Injured Employee Contact with an Ombudsman	15.97	22.87	16.68	18.70	20.46	18.70	15.63	18.47	16.29	16.69	12.81	15.41
	Total Number Days from CCH Schedule Date to Omb Prep	1,693	2,493	1,368	5,554	1,985	1,608	1,172	4,765	1,678	1,502	1,012	4,192
	Number Preps	106	109	82	297	97	86	75	258	103	90	79	272
Explanatory Measures													
	Explanatory Measure 1.1.1 ex 1 Average Indemnity Cost Avoided per Injured Employee Assisted by an Ombudsman												\$1,746
	Sum of Fees Approved to be Paid												\$5,598,128
	Number Clms w/ Approved Atty Fees												3,207
	Explanatory Measure 3.1.1 ex 1 Number of Workers' Compensation Rules Adopted	0	0	1	1	2	0	3	5	0	1	0	1

Blue - Met Target; Green - Positive; Red - Negative												
FY 2010 Measures	Sept	Oct	Nov	1ST QTR	Dec	Jan	Feb	2ND QTR	Mar	Apr	May	3RD QTR

SUMMARY

KEY MEASURES					
Met Target	3	5	41.67%	Positive Performance	
Variance is Positive	2				
Variance is Negative	7	7	58.33%	Negative Performance	
Total Measures	12				

The Goal for Positive Performance is 80%

ALL MEASURES					
Met Target	7	15	55.56%	Positive Performance	
Variance is Positive	8				
Variance is Negative	12	12	44.44%	Negative Performance	
Total Measures	27				

Jun	Jul	Aug	4TH QTR	YEAR-TO-DATE	% OF TARGET	FY2010 TARGET	High Values are?	4th Quarter Result	Explanation of Variance
62.30%	71.10%	84.11%	73.05%	57.82%	642.41%	9.00%	Good	Positive	
1,122	1,557	1,800	4,479	13,624					
1,801	2,190	2,140	6,131	23,564					
36.85%	37.81%	41.18%	38.61%	38.83%	94.71%	41.00%	Good	Negative	The Office of Injured Employee Counsel's (OIEC) Ombudsman Program assists all injured employees who request assistance in the dispute resolution process. Ombudsmen assisted in fewer proceedings than projected because slightly fewer proceedings were held than were anticipated.
444	436	488	1,368	5,652					
1,205	1,153	1,185	3,543	14,555					
30.52%	30.89%	29.41%	30.32%	36.81%	85.61%	43.00%	Good	Negative	The Office of Injured Employee Counsel (OIEC) developed an early intervention process in which dipusted issues are resolved prior to entering into the workers' compensation dispute resolution system. Due to this initiative, the majority of disputes that enter into a Contested Case Hearing are more complex. Additionally, an Ombudsman is required to assist injured employees upon request regardless of the merits of the disputed issue. Therefore, injured employees prevailed in fewer disputed issues in FY 2010 than projected.
65	76	60	201	1,188					
213	246	204	663	3,227					
21.23%	28.74%	28.80%	26.56%	33.39%	104.34%	32.00%	Good	Met	
31	48	53	132	618					
146	167	184	497	1,851					
95.26%	94.89%	96.67%	95.64%	95.01%	98.97%	96.00%	Good	Met	
16,508	14,314	16,540	47,362	183,031					
17,329	15,085	17,109	49,523	192,634					
#DIV/0!	#DIV/0!	100.00%	100.00%	100.00%	100.00%	100.00%	Good	Met	
0	0	1	1	8					
0	0	1	1	8					

Jun	Jul	Aug	4TH QTR	YEAR-TO-DATE	% OF TARGET	FY2010 TARGET	High Values are?	4th Quarter Result	Explanation of Variance
#DIV/0!	#DIV/0!	100.00%	100.00%	87.50%	98.31%	89.00%	Good	Met	
0	0	1	1	7					
0	0	1	1	8					
#DIV/0!	#DIV/0!	100.00%	100.00%	85.71%	109.89%	78.00%	Good	Positive	The Office of Injured Employee Counsel (OIEC) analyzes and actively participates in both the Texas Department of Insurance (TDI) and Division of Workers' Compensation (DWC) rule initiatives to carryout its statutory mission to advocate on behalf of the injured employees of Texas pursuant to Texas Labor Code §§404.101 and 404.104. OIEC exceeded the target because TDI incorporated more of OIEC's comments into the adopted rules in FY 2010 than projected. OIEC continues to work with TDI and DWC to advocate on behalf of the injured employees of Texas.
0	0	1	1	6					
0	0	1	1	7					
266	267	316	849	3,669	69.23%	5,300	Good	Negative	
334	295	357	986	3,956	77.57%	5,100	Good	Negative	The Office of Injured Employee Counsel (OIEC) did not achieve this measure's target in FY 2010 because the number of Benefit Review Conferences has continued to decline during the fiscal year. OIEC believes the decline is due in part to the economy. There have not been as many injuries reported; therefore, the number of disputes have decreased. There has also been a steady trend of injured employees entering a workers' compensation network. This trend has an adverse correlation with the number of out-of-network proceedings. Additionally, OIEC's early intervention efforts are impacting the number of BRC's due to the number of disputed issues being resolved prior to holding a proceeding.
126	157	150	433	1,759	102.27%	1,720	Good	Met	
132	156	145	433	1,925	91.67%	2,100	Good	Negative	The Office of Injured Employee Counsel (OIEC) did not achieve this measure's target in FY 2010 because the number of Contested Case Hearings has continued to decline during the fiscal year. OIEC believes the decline is due in part to the economy. There have not been as many injuries reported; therefore, the number of disputes have decreased. There has also been a steady trend of injured employees entering a workers' compensation network. This trend has an adverse correlation with the number of out-of-network proceedings. Additionally, OIEC's early intervention efforts are impacting the number of Contested Case Hearings due to the number of disputed issues being resolved prior to holding a proceeding.
49	48	46	143	577	104.91%	550	Good	Met	

Jun	Jul	Aug	4TH QTR	YEAR-TO-DATE	% OF TARGET	FY2010 TARGET	High Values are?	4th Quarter Result	Explanation of Variance
244	332	225	801	3,056	181.90%	1,680	Good	Positive	
16,508	14,314	16,540	47,362	183,031	86.34%	212,000	Good	Negative	The Office of Injured Employee Counsel (OIEC) did not achieve this measure's target in FY 2010 because fewer injuries have been reported. OIEC believes the decline is due in part to the economy. With the rise in unemployment, there have not been as many injuries reported.
20,699	22,888	22,613	66,200	275,892	148.33%	186,000	Good	Positive	
1,972	2,230	2,293	6,495	22,874	265.98%	8,600	Good	Positive	
7	12	18	37	83	127.69%	65	Good	Positive	
545	820	740	2,105	9,514	487.90%	1,950	Good	Positive	
0	0	1	1	8	88.89%	9	Good	Negative	The Office of Injured Employee Counsel (OIEC) analyzes and actively participates in both the Texas Department of Insurance (TDI) and Division of Workers' Compensation (DWC) rule initiatives to carryout its statutory mission to advocate on behalf of the injured employees of Texas pursuant to Texas Labor Code §§404.101 and 404.104. OIEC did not meet the target because TDI did not adopt as many rules in FY 2010 as OIEC anticipated. OIEC continues to work with TDI and DWC to advocate on behalf of the injured employees of Texas.
0	0	1	1	7	87.50%	8	Good	Negative	The Office of Injured Employee Counsel (OIEC) analyzes and actively participates in both the Texas Department of Insurance (TDI) and Division of Workers' Compensation (DWC) rule initiatives to carryout its statutory mission to advocate on behalf of the injured employees of Texas pursuant to Texas Labor Code §§404.101 and 404.104. OIEC did not meet the target because TDI did not adopt as many rules in FY 2010 as OIEC anticipated. Additionally, a rule that did not pertain to injured employees was adopted; therefore, OIEC did not participate in this rulemaking initiative. OIEC continues to work with TDI and DWC to advocate on behalf of the injured employees of Texas.



Jun	Jul	Aug	4TH QTR	YEAR-TO-DATE	% OF TARGET	FY2010 TARGET	High Values are?	4th Quarter Result	Explanation of Variance
0	0	1	1	6	85.71%	7	Good	Negative	
14.30	12.40	8.95	12.36	18.79	67.12%	28	Bad	Positive	The performance for this measure exceeded the target in FY 2010, which is a positive result. The target was exceeded due to the timely electronic distribution of the <i>Notice of Injured Employee Rights and Responsibilities in the Workers' Compensation System</i> .
96,312	75,575	34,906	206,793	1,417,793					
6,735	6,094	3,902	16,731	75,443					
16.77	17.66	13.93	16.20	18.18	106.93%	17	Bad	Negative	
3,085	4,203	2,772	10,060	44,298					
184	238	199	621	2,437					
17.95	15.79	8.55	14.30	16.67	98.08%	17	Bad	Met	
2,010	1,532	821	4,363	18,874					
112	97	96	305	1,132					
			\$1,845	\$1,845	80.20%	\$2,300.00	Good	Negative	
			\$7,321,231	\$7,321,231					
			3,969	3,969					
0	0	1	1	8	88.89%	9	Good	Negative	

Jun	Jul	Aug	4TH QTR	YEAR-TO-DATE	% OF TARGET	FY2010 TARGET	High Values are?	4th Quarter Result	Explanation of Variance